

## GARDNER WILL TELL ALL

Hasn't Anything to Conceal, Says Counsel for Ex-Senator.

## HYDE WILLING TO TESTIFY

City Chamberlain Said to Stand Ready as Witness in Bribery Trial—Not Subpoenaed.

With the jury completed yesterday, the prosecution will open its case to-day against former State Senator Frank J. Gardner, who is on trial before Justice Seabury, in the Criminal Branch of the Supreme Court, charged with attempting to bribe Congressman Otto G. Foelker not to vote for the Hart-Agnew racing bills when both men were in the state legislature, in 1908. The case promises some sensational developments in relation to the alleged \$500,000 fund said to have been raised by the race-track interests to defeat former Governor Hughes' anti-gambling race-track legislation.

The defendant's counsel, Max D. Steuer, said yesterday that he intended to call Gardner as a witness in his own behalf and that the defendant would tell all he knew about the race-track legislation at Albany in 1908. Mr. Steuer said that his client had nothing to conceal and that he was prepared to prove his innocence of the bribery charge beyond a doubt. Henry J. Goldsmith is associated with Mr. Steuer as counsel for the defense.

It is likely that City Chamberlain Charles H. Hyde, whom the legislative investigating committee sought in vain, will be a witness for the defense. Gardner's counsel said yesterday that Mr. Hyde had expressed a willingness to testify for the former state senator should the occasion arise when his testimony would be deemed material. The City Chamberlain had not yet been subpoenaed by either side, Charles C. Nott, the Assistant District Attorney who is conducting the prosecution, said last night that the District Attorney had not subpoenaed Hyde and he did not intend to call him as a witness for the people. The prosecution would welcome an opportunity to cross-examine Mr. Hyde in regard to the alleged race-track fund. It was said, Mr. Nott would have the opportunity if Hyde was called as a witness for the defense.

## Defence to Attack Foelker.

Gardner's counsel intimated yesterday that they were preparing a severe attack for Congressman Foelker, the principal witness for the people. It was said that they would attack his credibility on cross-examination by his inactivity in the circumstances of his admission to the bar. Richard Barker, clerk of the Court of Appeals at Albany; Frank N. Danaher, secretary of the state bar examiners; Harlem Horner and Harry D. De Groot, of the State Educational Department, it is understood, have been subpoenaed to testify regarding the admission of Congressman Foelker to the bar. De Groot prepared the case against Max Sosinsky, who is now serving a term in the penitentiary for inducing others to tamper with the Regents' examinations. The defense has obtained a writ of habeas corpus for the production of Sosinsky in court as a material witness.

Congressman Foelker said yesterday that his charge of irregularity in connection with his bar examinations which might be made against him would be entirely false. He said he took the examination himself and passed it with no difficulty.

Gardner's wife, a former show girl, has been a constant attendant at the trial during the two days it took to get the jury. She was frequently consulted yesterday by her husband's counsel for her opinion of the talesmen under examination for the jury. Several talesmen appeared to be satisfactory to both sides and about to be accepted, when, after a consultation with Mrs. Gardner, they were excused by the defense.

## Jury Selected to Try Case.

Six jurors were selected on Tuesday and six yesterday. The twelfth juror was accepted shortly before the regular closing time for court yesterday, and Mr. Nott asked for an adjournment until to-day, which Justice Seabury granted. The members of the jury are:

Daniel W. McCann, salesman, No. 120 East 82d street.  
Alfred Beckley, real estate, No. 32 Union square.  
Robert A. Van Dyke, clerk, No. 148 West 127th street.  
Charles B. Kieny, manufacturer, No. 126 East 83d street.  
John J. Hamilton, clerk, No. 682 West 148th street.  
William Lee Owen, real estate, No. 236 West 73rd street.  
Charles B. Hovey, produce dealer, No. 137 East 46th street.  
James F. Markham, real estate, No. 121 Park row.  
Henry W. Bolles, jeweler, No. 58 Maiden lane.  
Charles C. Brewster, insurance agent, No. 316 West 115th street.  
Robert F. Burns, bank clerk, No. 46 West 134th street.  
Alberto K. Davis, real estate, No. 120 West 127th street.

## ASKS ALIMONY FROM GARDNER

Former Wife Seeks to Have Ex-Senator Adjudged in Contempt.

Former Senator Frank J. Gardner, now on trial for alleged attempted bribery, must show cause on February 24 why he should not be adjudged in contempt of court for failing to pay alimony to his former wife, Elizabeth H. Gardner.

Mrs. Gardner won a suit for absolute divorce against Gardner, naming May Verby, a chorus girl, who once had been Gardner's stenographer. Mrs. Gardner was granted the custody of her three children and \$100 a month alimony. Gardner is alleged to be \$300 in arrears.

The order to show cause was made yesterday by Justice Maddox, of the Supreme Court, Brooklyn.

## CARNEGIE TRUST STOCK LOW

Sale at \$12 a Share Indicates Small Equity for Holders.

A depreciation of nearly \$100 a share in the value of Carnegie Trust Company stock since the institution was closed by the State Banking Department, January 7, was shown by the sale at auction yesterday of five shares for \$60, or \$12 a share. Just before the failure the stock was quoted at 107½ bid, 110 asked.

According to the course brought by the five shares sold yesterday, the market value of the \$100,000 capital stock of the company, the par value being \$100 a share, is about \$100,000. This holds out small hope for the stockholders receiving any substantial return when the affairs of the company are finally wound up by the Banking Department, and their equity, when the \$200,000 deposits are liquidated, will probably be a small fraction.

In a statement given out at the time of the failure, Joseph T. Howell, president of the company, placed the quick assets at approximately 40 per cent of the deposits, or about \$300,000, which, if correct, means that this sum will in the near future be in the hands of the State Superintendent of Banks, who, under the law, acts as receiver for a failed state banking institution, for distribution to the depositors. The stockholders, after yesterday's sale, being paid in full, and may even be assessed for 100 per cent of the par value of their stock to raise the assets are not sufficient to pay the depositors in full.

## TRAILING THE ROBIN PAPER

Northern Bank Director Tells of Work to Supply Shortage.

Joseph G. Robin, the indicted banker, and his sister, Dr. Louise Robinovitch, were interested spectators yesterday in a bankruptcy hearing against the Railway Traction and Construction Company, one of the Robin enterprises, before Thomas Alexander, United States Commissioner. Robin's sister, clad in black and deeply veiled, sat beside him, and they exchanged many comments on the testimony of witnesses.

H. Gerald Chapin, a lawyer, was the first witness called by Samuel J. Goldsmith, counsel for Robin. He declined to state when he got the information on which he stated in the first bankruptcy petition filed against Robin that the latter was insolvent. In answer to a question he said that he had represented Anthony Stumpf as general counsel for fifteen years.

Mr. Stumpf, a publisher and a director of the Northern Bank, told of arrangements he had made to sell the Northern Bank to a strong financial syndicate, whose membership he refused to disclose. He spoke of Robin about it, he said, and Robin authorized him to proceed in the matter.

Mr. Stumpf said, Mr. Stumpf testified, he called on Robin to get certain securities, and Robin referred him to Frederick Morris. "There was a shortage of 2,000 shares of the Fidelity Finance Company stock," Mr. Stumpf said, "and the prospective purchasers of the Northern Bank insisted that this stock should be replaced before they would close the negotiations. I went to Robin's office, and there Mr. Morris gave me from the safe 2,000 or 2,500 shares of the Fidelity Finance Company and 150 bonds of the South Shore Traction Company."

The bonds, the witness said, he exchanged next day for stock of the Fidelity Finance Company and turned the whole over into the treasury of that company, of which he is a director.

A second batch of securities, Mr. Stumpf testified, was turned over to him on December 21, to make up for the shortage of the Fidelity Finance Company stock in the Northern Bank. These securities, he said, he surrendered to the State Banking Department.

## NO NEW EQUITABLE HEAD

Directors Not Expected to Elect President at Annual Meeting.

The annual meeting of the directors of the Equitable Life Assurance Society will be held to-day, but according to the best information obtainable it will be allowed to pass without the election of a successor to the late Paul Morton as president. The other retiring officers will probably be re-elected in accordance with the terms of their contracts.

There was a movement on foot shortly after Mr. Morton died in favor of electing his successor at the annual meeting, but within the last week, it is understood, the feeling has been growing among the directors that before electing a new president they should have more time to consider the qualifications of the candidates.

Among the men most prominently mentioned as the probable successor of Mr. Morton, is ex-Judge William A. Day, first vice-president of the Equitable, and many believe that he will be the man ultimately chosen for the position. So far as can be learned, however, the directors have not decided to elect him or any other candidate at present. They feel, it is said, that nothing can be lost and much may be gained by deferring the election of a president for the time being, and J. Pierpont Morgan, who owns the controlling interest in the company, is reported to hold the same opinion.

It is not believed that the committee appointed to work out a plan for the mutualization of the company is yet prepared to make any report, and the subject of mutualizing the company will not, it is said, come before the meeting to-day.

## TRACES INK BACK 870 B. O.

Professor Reiser, of Harvard, Tells of Excavations in Egypt.

Professor George A. Reiser, the Egyptologist of Harvard University, who has been making excavations in Nubia and Palestine for fourteen years, returned to this country yesterday on the Cunard liner Carmania. He has not been to America in six years. He spent his winters conducting the excavations in Nubia over the land to be covered by the waters backed up by the Assuan Dam. During the summer he directed excavations in Palestine.

Professor Reiser said yesterday he had found positive evidence in the excavations of Samaria, which was once the capital of the northern kingdom of Israel, to show that the folk who lived there about 800 B. C. used ink for recording their accounts and sending their messages.

"We found on the floor of one of the chambers of the palace," he said, "a number of potsherds which bore records of the tithe to the king, written in ink with reed pens. The ink was made of pure carbon or lampblack. It is easily soluble in water, and this accounts, perhaps, for the failure of other excavators to find ink inscriptions. They were most likely looking for carved records and inscribed on the walls." Professor Reiser was accompanied by his wife and daughter.

## TAXI AGENT WITH READY CASH

Pays Duty for Liner's Passengers and Gets Many Fares.

The recent customs ruling forbidding homecoming travelers from including gifts and souvenirs in their regular \$100 allowance of importations served as a splendid source of revenue for a taxicab agent when the steamship Clyde got in yesterday from Southampton and the West Indies.

She brought in many passengers who knew nothing of the new ruling, and there were many articles on their declaration brought in as souvenirs for friends and relatives. In many instances the travelers declared frankly that the articles were purchased abroad as presents, whereupon the customs officials demanded the payment of duty. As the travelers had assumed that their purchases could be included in their \$100 allowance of goods exempt from duty, they made no provision for cash payments.

On learning of the passengers' financial embarrassment the taxicab agent offered to advance the cash on condition that the recipient of the favor would take one of his cabs to the company's office, where checks could be cashed and cabfare collected. The agent brought much business to his company, the tolls from pier to office and from office to hotel or home running up into the hundreds of dollars.

## ROCKEFELLER BUYS DWELLINGS

Obtains Property Adjoining His to Stop Encroachment of Business.

John D. Rockefeller was reported yesterday to have bought the dwelling houses at Nos. 7 and 9 West 53d street from Benjamin Stern, through Nichols & Hobbie. According to the report, this purchase was made to protect the residential character of the contiguous property and especially the light and air of the home of Mr. Rockefeller. Business will have to wait a while before getting a firm foothold in the street, owned and occupied by Mr. Rockefeller, the 53d street site. Mrs. Alta Prentiss, his daughter, lives at No. 5 West 53d street. Title to the property formerly owned by Mr. Stern was taken yesterday by Harry P. Fick.

## MISS ARNOLD ISN'T FOUND

Family and Relative Deny Story of Discovery in Hospital.

"FAKE," BROTHER ASSERTS WILL OFFER PROOF LATER

Father of Young Woman Makes Usual Visit to Police Headquarters Seeking Help.

Fiat denials of the story that Dorothy Arnold had been a patient in Flower Hospital came yesterday from every source that could be considered an authority in her case. Perhaps the most convincing denial was the appearance of her father at Police Headquarters a few hours after the story had been printed with a bundle of letters that he wanted Deputy Commissioner Flynn to have investigated.

Mr. Arnold or his attorneys have been at Police Headquarters every day since the disappearance of the girl, and the police have not ceased their work on the case. Mr. Arnold paid his usual visit to headquarters yesterday to inquire for news of his daughter and brought with him, as he has nearly every day, a number of letters that had come in the morning's mail, giving alleged clues to the missing girl. Information of some one supposed to be her who had been seen in a distant city. The father brings these letters to Commissioner Flynn to be investigated and is also spending large sums of his own money in running down all hints, no matter how vague.

The story printed yesterday that Dorothy Arnold had been a patient in Flower Hospital was based on a circumstantial account of a visit of Miss Marjorie Arnold to the institution on Tuesday afternoon. Soon after the story was put in circulation Mr. Bernard Hughes, head of the home staff of Flower Hospital, issued the following statement over his signature:

"We desire to state not only that Miss Arnold is not a patient here, but that she has never been a patient here, either under her own name or any other name."

Miss Marjorie Arnold explained that she had gone to the hospital merely on a visit of inspection, and that Flower Hospital was chosen because Dr. Benjamin Harrison Arnold, a distant relative and an intimate friend of the family, was an interne there. She said:

"I went to look at the hospital, as I might have gone to any other hospital, and I took my friends with me to see the hospital. I hadn't any thought that Dorothy was there."

"I am interested in all hospitals, but not in Flower Hospital particularly. It was not my reason for going there that I might see Dorothy. I had no idea that such a story would be circulated."

Dr. Arnold said that Mrs. Dugan, with whom Miss Arnold went to the Flower Hospital, was a member of the woman's auxiliary board of the institution. The board was a new organization, he said, and there was as yet no list of the members. Mrs. Dugan had waited in the office while he showed his cousin through the stables and the hospital wards.

A trip of the hospital ambulance late Tuesday evening was made part of the story, indicating that Dorothy Arnold had been taken away after the visit of her sister. Dr. Arnold said that the ambulance had gone to the armory of the 9th Regiment, of which he was a member, on a private call to get a man suffering from an attack of acute indigestion.

John W. Arnold said, "The whole story is a fake."

## PAWNED BY MISS ARNOLD

Missing Girl Gave Her Name and Address in Boston Shop.

Boston, Feb. 15.—Dorothy Arnold, the New York girl who has been missing since December 12, pawned her watch, rings, neck chain and bracelet, valued at over \$500, while she was on her way's visit to Boston in September, according to information given out to-night. Miss Arnold took the articles to a Boylston street pawn shop and received about \$100 for them, giving her full name and address.

The articles were pledged on September 23, and the Arnold family were informed of the fact as soon as the announcement was made that the young woman was missing. About the middle of December, it is said, Miss Arnold's brother, John W. Arnold, came to Boston, identified the articles as his sister's and ordered the storekeeper to refuse to redeem them when the checks were presented and to inform the police instead, holding any person who should present the checks. The articles are still at the pawnshop.

## GRISCOM READY TO TALK

Would Tell Whitman What He Knows of Arnold Case.

(By Telegram to the Tribune.)  
Atlantic City, Feb. 15.—George S. Griscom, Jr., the man who is supposed to know more about the disappearance of Dorothy H. C. Arnold than any other person outside of her immediate family, said to-day through his adviser, Roger O'Mara, that if District Attorney Whitcomb of New York would be glad to tell him if he will send an assistant or representative to this city to see him.

Griscom did not leave his rooms in the Chalfonte Hotel here to-day, and, according to O'Mara, who is doing all the talking for the family, has not left them since last Saturday night. Griscom's father and O'Mara are equally determined that the younger man shall have no opportunity to talk about the case to the newspaper men, but the strain of the long siege is beginning to tell on the older Griscom, and it is likely that he will give up soon and consent to having his son tell his story.

The extreme precaution of O'Mara and the older Griscom is taken here to mean but one thing, that they are afraid the younger man will tell the truth about the case, and that they are afraid of the publicity that will follow. Griscom's father and O'Mara are equally determined that the younger man shall have no opportunity to talk about the case to the newspaper men, but the strain of the long siege is beginning to tell on the older Griscom, and it is likely that he will give up soon and consent to having his son tell his story.

## VOTES FOR 12 MILK STATIONS

City's Part in Movement To Be for Benefit of Infants Only.

Provision for the distribution of pasteurized milk by the city at cost for the use of infants of poor families was made by the sinking fund commission yesterday, when it was voted to rent premises for the establishment of seven stations in Brooklyn, four in Manhattan and one in The Bronx.

President Mitchell of the Board of Aldermen suggested to the Board of Estimate some time ago that they take up the work of distributing pasteurized milk to the poor. At that time Nathan Straus had announced that he would give up the charity which he had conducted for many years. Later he decided to keep up his work, so that what is done by the city will be for the benefit of infants exclusively. Not only will the city sell pasteurized milk at the stations, but will analyze milk obtained elsewhere.

In connection with the work the city will employ six medical inspectors, ten nurses and fifteen nurses' assistants. The budget for 1911 contains an item of \$40,000 to defray the cost of the work.

## KEENE'S BROKER SAYS BROTHERS

Are Trying to Injure Firm.

Suits Arising from Collapse of Hocking Will Bring Back Mr. Keene in April.

Since James R. Keene, like Dorothy Arnold, is still missing, Edward Popper, of Popper & Sternbach, personal brokers, had to bear the brunt yesterday of the publication of the testimony of William Lovey, the brokers' former assistant cashier. Mr. Popper sighed over the renewed publicity given to the controversy resulting from the collapse of the Hocking pools, but he prepared a statement attacking the credibility of the witness who had contradicted both his testimony and that of James R. Keene concerning the sales of Hocking stock and Hocking Coal.

"Arthur Lovey," said he, "was discharged from the firm of Popper & Sternbach for cause in December. His brother, William Lovey, subsequently left our employ on account of his brother's discharge. Since that time, as I am informed, they have been diligent in their efforts to inflict as much injury upon the firm as their malice might suggest and opportunity afford."

"The statement that efforts on the part of the firm to induce the Loveys or any one else to testify otherwise than as the facts warranted is absolutely false and has been denied under oath in the proceedings which have been had. It is not new for discharged employees, actuated by malice, to recollect things which never occurred."

With regard to The Tribune's article, Mr. Popper had this to say:

"The article in the main is a rebash of the testimony taken before Commissioner Alexander and Referee Dexter nearly a year ago. So far as the books of Popper & Sternbach are concerned, they have been examined and re-examined many times, and all the facts relating to the entries, the method in which the books were kept and the transactions relating to the purchase and sale of Columbus Hocking Coal and Iron Company stock have been laid bare to the last detail for upward of a year."

That Popper & Sternbach were Mr. Keene's brokers appeared beyond question; that they sold Columbus and Hocking Coal and Iron Company stock for their own account on the 18th and 19th of January, 1910, has been the subject of very voluminous testimony by myself, members of the firm, Mr. Keene and numerous other witnesses. The only new fact bearing thereon which appeared in the article is the statement of Arthur Lovey and his brother, William, who have testified that the sales made on the 18th and 19th of January were through orders received from Mr. Keene, but that such sales were for the protection of Popper & Sternbach."

Mr. Keene, whose aversion to public inquiry is a proverb, went to Europe to rest shortly after giving his testimony in the Lathrop-Haskins case. Mr. Keene's presence is expected at the time, since he has been served in all of them.

Ralph W. Lathrop, of the Lathrop-Haskins case, said yesterday that his clients were resting on their own part of their suits. Alfred E. Haskins, attorney for Henry D. Hotchkiss, trustee for the creditors of Lathrop, Haskins & Co., said that he would sign his testimony in the Lathrop-Haskins case, but that his presence is expected at the time, since he has been served in all of them.

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## HOCKING &amp; CO.

564-566 and 568 Fifth Avenue, 46th and 47th Sts.

ANNOUNCE FOR TO-DAY

Closing Out Sale of Imported Wraps

A very limited number of beautiful Afternoon and Evening Wraps in the latest styles for present season wear, comprising original models by Paul Poiret, Havet, Callot and other noted Parisian couturiers, will be offered for immediate clearance to-day—

At Reductions of One-Half or More From Former Prices

ALSO

Afternoon and Evening Gowns

of velvets, chiffons, brocades, moire, satin, marquisette, cashmere de soie, etc.—original models by Poiret, Paquin, Drecoll, Margaine Lacroix, Worth and others—

At Half and Less Than Half Former Prices

(via Victoria)—Zoolandia, Feb. 19, 6:30

Samoa Islands, New Zealand, Feb. 19, 6:30

Head, Feb. 19, 6:30

Hawaii, Feb. 19, 6:30

Japan, Feb. 19, 6:30

Kamukura, Feb. 19, 6:30

Philippines, Feb. 19, 6:30

India, Feb. 19, 6:30

China, Feb. 19, 6:30

Port of New York, Wednesday, February 15, 1911.

ARRIVED.

Steamer St. Laurent (Fr.), Dunkirk January 25, Bordeaux February 2, and Columbia 4, to the Compagnie Generale Transatlantique, with 17 steerage passengers and mail. Arrived at the Bar at 2:40 p.m.

Steamer Comany (Fr.), Charleston February 12, to the Munson S. Line, in ballast. Arrived at the Bar at 3:45 p.m.

Steamer Comany (Fr.), Mobile February 7, Tampa 10, and Key West 11, to the Munson S. Co. with passengers and mail. Arrived at the Bar at 3:30 p.m.

Steamer Comany (Fr.), Calcutta January 31, to the Munson S. Co. with passengers and mail. Arrived at the Bar at 3:30 p.m.

Steamer Comany (Fr.), Bremen February 4, to the Munson S. Co. with passengers and mail. Arrived at the Bar at 3:30 p.m.

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